IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14497 of 2006

Dated: July 17, 2006

Between:

Mirza Jahangir Beg, S/o. Mirza Mehboob Beg,
aged 53 years, Occ: Business, R/o. H.No.19-2-136/6/1,
Bahadurpura, Tar Ban, Hyderabad (AP),
(Prop: Meena Sawmill and Timber Depot, Katedan,
Shivrampally, Hyderabad (AP).

… Petitioner

And

The Government of A.P., represented by its
Secretary, Ministry of Forest & Environment,
Secretariat, Khairatabad (AP), and others.

… Respondents

Order:

The petitioner was initially granted sawmill licence on 13-08-2003, vide Ref.No.4239/2003/514, under A.P. Saw Mills (Regulation) Rules, 1969, framed under Andhra Pradesh Forest Act, 1967. The said licence was renewed upto 31-12-2004. Thereafter, when the petitioner has applied for further renewal, by paying necessary fee, the Divisional Forest Officer, Hyderabad, the second

respondent herein, passed orders dated 17-01-2006, rejecting the renewal sought for by the petitioner, referring to the judgment of the Hon'ble Supreme Court of India dated 16-11-2002, passed in W.P.No.202 of 1995. In the aforesaid order, the Apex Court while dealing with the permits granted to sawmills in the states of Nagaland, Karnataka, etc. has issued directions to all the State Governments and Union Territories not to grant permissions for opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee constituted by the Ministry of Environment and Forests, Government of India, under the provisions of sub-section (3) of the Environment (Protection) Act, 1986, by notification dated 17-09-2002.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

3. It is stated that admittedly there is no renewal of licence after 31-12-2004. In that view of the matter, the petitioner cannot run the sawmill without possessing valid licence. However, there is no absolute prohibition for grant of licence and in view of the directions issued by the Apex Court, it is permissible for the licencing authority to consider the applications for grant of permission subject to approval by the Central Empowered Committee. As much as the petitioner was initially granted licence in June, 2003, and further renewal was rejected, referring to the directions of the Apex Court and as there is no absolute prohibition, I dispose of the writ petition permitting the petitioner to make an application to the second respondent, the Divisional Forest Officer, within two weeks from today seeking concurrence from the Central Empowered Committee. If such application is filed within the time stipulated above, the Divisional

Forest Officer is directed to refer the same to the Central Empowered Committee for its concurrence, for grant of licence/renewal of licence granted under A.P. Saw Mills (Regulation) Rules, 1969. The Divisional Forest Officer shall reconsider the request for the petitioner for renewal of licence basing on the orders to be passed by the Central Empowered Committee. No costs.

JUSTICE R. SUBHASH REDDY.

July 17, 2006
N.B. Furnish C.C. in two days
B/o
MRR